


City of Costa Mesa

Inter Office Memorandum

U1.1a

To: Planning Commission

From: Kimberly Brandt, Senior Planner 

Date: February 5, 2004

Subject: A Draft Ordinance Replacing and Expanding the Zoning Code
Regarding Mobilehome Park Conversions
Supplemental Information
Planning Commission Meeting of February 9, 2004

BACKGROUND/ANALYSIS

At the February 2, 2004 study session, the Planning Commission raised several points regarding the draft mobilehome park conversion ordinance. Staff has addressed these comments in the revised draft red-lined ordinance. The new text changes are marked with double-underlines. The changes are briefly discussed below:

Sec. 13- 200.80 Definitions

The phrase "at the park" was added to the definition of "mobilehome" in respect to the reference to recreational vehicles and the length of residency.

Sec 13-200.85 (6) Mobilehome Park Relocation Report Content Requirements

A minor editorial change was made to the alternative wording (Alt. C) for item (6).

Section 13-200.87 Relocation Mitigation

Staff has included new alternative language (Alt. D1) that addresses concerns regarding the possibility that homeowners/non-residents homeowners with mobilehomes that can be relocated would choose not to accept an available replacement lot in a comparable park that has been identified by the park owner. The alternative language identifies the time frame in which the homeowner/non-resident homeowner must select a replacement lot. In addition, if the homeowner/non-resident homeowner rejects the replacement lot, then that rejection limits the additional relocation mitigation obligations of the park owner.

Table 13-200.87 Relocation Mitigation

Relocation Mitigation #2 (Transportation and Set Up Costs): Additional language was added to Alternative F that addressed legally installed amenities that cannot be reconstructed at the new replacement lot. In this instance, the park owner would provide fair compensation to the homeowner/non-resident homeowner.

Relocation Mitigation #5 (Fair Market Value Compensation): Additional language was added to Alternative G that allows the Planning Commission to consider both the on-site and off-site fair market value in determining the appropriate payment to a homeowner/non-resident homeowner of a mobilehome that cannot be relocated. The alternative language establishes both a maximum and minimum payment.

Relocation Mitigation #7 (Rent Differential): In Alternative H, additional alternative language was added that deletes the park owner's requirement to pay a rent differential to homeowners of mobilehomes that *will not* be relocated.

Relocation Mitigation #8 (Security Deposit Loan): Staff amended this language to account for any security deposit money that may be refunded to the homeowner/non-resident homeowner at the time he/she moves from the closing park.

Section 13-200.90 Subsequent Modification of Mitigation Measures

Paragraph (a) was modified to give the park owner, homeowner, and non-resident homeowner the ability to file an application to modify the mitigation measures after they have been adopted.

CONCLUSION

The attached redlined version of the draft ordinance contains the most updated language, and the Commission should refer to it during its deliberations.

Attachment: 1. Redline version of the Draft Ordinance

cc: Dep. City Mgr.-Development Svcs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Distribution List

ATTACHMENT 1
DRAFT ORDINANCE

ORDINANCE NO. 04-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING A NEW ARTICLE 17 TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING MOBILEHOME PARK CONVERSIONS AND AMENDING OTHER AFFECTED PROVISIONS OF TITLE 13.

WHEREAS, the City Council of the City of Costa Mesa finds and determines that it is the policy of State law, as set forth in Government Code Section 65863.7 and 66427.4 and Civil Code Section 798.56 that certain requirements and procedures must occur prior to the conversion, closure, or cessation of use of mobilehome and recreational vehicles parks ("park(s)") to mitigate the adverse effects of the change of use upon the homeowners in a park who would be displaced by such change; and

WHEREAS, the City Council of the City of Costa Mesa finds and determines that unless mitigation measures are undertaken, the conversion, closure, or cessation of use of parks would have a substantial adverse effect upon park homeowners in terms of cost of relocation, scarcity of similar comparable housing within a reasonable proximity to the city, and the significantly higher costs of other types of housing in the immediate area if park homeowners cannot relocate to other parks. Resident-owned mobilehomes and recreational vehicles often cannot be easily relocated due to numerous factors, including the age of the units, the cost of moving and relocation and the scarcity of vacant lots in the immediate vicinity. When a mobilehome or recreational vehicle in an existing park is sold, it is generally sold in place; it is not often moved from its location once it has been placed in a park. Mobilehome and recreational vehicle owners have often invested substantial sums in the acquisition, installation, and maintenance of their homes. For most homeowners, these units represent the homeowner's sole or principal financial asset. One direct result of a change of use of a park, unless mitigated, can be the destruction of the value of the mobilehome or recreational vehicle and a difficulty of the homeowner to find adequate replacement housing. Relocating homeowners to an area in excess of thirty miles from their existing home often creates special hardships, particularly for elderly homeowners, who need to be in proximity to their family, caregivers, medical care providers and social service support networks. A move in excess of thirty miles may seriously disrupt these support resources, may jeopardize the jobs of those homeowners currently employed and may not constitute adequate replacement housing for such homeowners; and

WHEREAS, it is the intent and purpose of the City Council in adopting this ordinance to establish reasonable rules and regulations in accordance with the authority granted by state law to mitigate the adverse effects of relocation upon

park homeowners who are confronted with a proposed change of use for their park or portions of the park; and

WHEREAS, it is the further intent and purpose of the City Council in adopting this ordinance to provide for uniform procedures and standards for reasonable relocation mitigation measures and assistance in the case of a conversion, closure or cessation of use of a park so as to implement state law and so that the homeowners and the park owners understand their rights and responsibilities in such situations.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 13-6 of Article 2, Chapter I of Title 13 of the Costa Mesa Municipal Code is hereby amended as follows:

“Manufactured housing. Detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974. ~~including structures known as manufactured homes and mobile homes.~~ For the purpose of this zoning code, a factory-built single-family structure that is manufactured under the authority of 42 U.S.C. Section 5401, the National Manufactured Home Construction and Safety Standards Act, transportable in one (1) or more sections, built on a permanent chassis and used as a place of human habitation, shall be considered a single-family home and shall be reviewed under the same standards as a site-built structure.”

Section 2. The definitions for “mobilehome” and “mobilehome park” contained in Section 13-6 of Article 2, Chapter I of Title 13 of the Costa Mesa Municipal Code are hereby deleted.

Section 3. Section 13-28(k) of Chapter III of Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(k) ~~Mobile Home~~ Park conversion. Any conversion of an existing park as that term is defined in Section 13-200.80, to any other use permitted or conditionally permitted in the applicable zoning district. For purposes of this title, “conversion” means any full or partial conversion, change of use of a mobilehome park to any other use, including a change to vacant land, closure, or cessation of use as those terms are more particularly defined in Section 13-200.80.”

Section 4. The following row of Table 13-29(c) of Chapter III of Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS					
PLANNING APPLICATIONS	PUBLIC NOTICE REQUIRED	PUBLIC HEARING REQUIRED	RECOMMENDING AUTHORITY	FINAL REVIEW AUTHORITY	NOTICE OF DECISION REQUIRED
Design Review Mobile Home Park Conversion Residential Common Interest Development Conversion Specific Plan Conformity Review Tentative Parcel Map Tentative Tract Map Variance	Yes	Yes	Planning Division	Planning Commission	Yes

Section 5. Section 13-29(g)(7) of Chapter III of Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(7) Mobile Home Park conversion findings:

- a. The proposed conversion is consistent with all applicable requirements of the State Government and Civil Codes.
- b. The proposed conversion project is consistent with the General Plan, any applicable specific plan, and this Zoning Code CHAPTER IX, ARTICLE 17. PARK CONVERSIONS.
- c. All reports and notices required by law have been properly prepared and served.”

Section 6. Article 17 is hereby added to Chapter IX of Title 13 of the Costa Mesa Municipal Code to read as follows:

“ARTICLE 17. PARK CONVERSIONS

Sec. 13- 200.80 DEFINITIONS.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) “Applicant” means the person(s), firm(s), entity(ies) or corporation(s) applying for any application for the purpose of converting, changing to another use, closing, or ceasing to use land as a park.

- (2) "Approved Report" means a Mobilehome Park Relocation Impact Report that meets all of the requirements of this article and has been approved by the Planning Commission.
- (3) "Cessation of use of land as a park" means a decision by the owner(s) of a park to discontinue the use of property as a park which decision is not an adjudication of bankruptcy.
- (4) "Closure of a park" will be found to occur when the Planning Commission, in its absolute discretion and upon a finding of good cause, determines that the park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the park owner intends to eliminate or reduce lots available for rent or lease to the general public. Such acts or omissions include, but are not limited to, the withholding of available lots under the control of the park owner, and statements by authorized agents and representatives of the park owner to prospective buyers of the park that the park is being closed by the park owner.

Alt. A	<p>(3) "Cessation of use of land as a park" means a decision by the owner(s) of a park to discontinue the use of property as a park which decision is not an adjudication of bankruptcy.</p> <p>(4) <u>"Closure of a park" or "cessation of use of land as a park" means a decision by the owner(s) of a park to discontinue the use of property as a park which decision is not an adjudication of bankruptcy. A closure of a park will be found to occur when the Planning Commission, in its absolute discretion and upon a finding of good cause, determines that the park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the park owner intends to eliminate or reduce lots available for rent or lease to a homeowner, non-resident homeowner, and/or tenant the general public. Such acts or omissions include, but are not limited to, the withholding of available lots under the control of the park owner, and statements made by authorized agents and representatives of the park owner to prospective buyers of the park that the park owner is closing the park, being closed by the park owner.</u></p>
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- (5) "Comparable housing" means housing which is comparable in floor area and number of bedrooms, bathrooms, and other rooms to the mobilehome to which comparison is being made, which housing meets the minimum standards of the Uniform Housing Code.
- (6) "Comparable mobilehome" means a mobilehome that is comparable in floor area, number of bedrooms, bathrooms, other legally constructed rooms, age, and condition.

- (7) "Comparable park" means any other park substantially equal to the park being converted in terms of park amenities, rent, and proximity to services.
- (8) "Conversion of a park." The term "change of use" is synonymous with "conversion" and is defined as any change which results in elimination of any lot, including but not limited to the removal of a lot for lease or rent to a homeowner. However, the following shall not constitute a conversion of a park:
- a. During any one-year period subsequent to the adoption of this article, no more than one vacant lot may be converted to other uses, provided all necessary governmental approvals, including an amendment to any conditional use permit or zoning is obtained from the city. However, upon application by a park owner, the Planning Commission may, in its absolute discretion and upon a finding of good cause, determine that a conversion of a park is not occurring notwithstanding that more than one vacant lot is converted to other uses.
 - b. A change in ownership to a limited equity cooperative, nonprofit corporation or condominium, provided more than fifty percent of the homeowners participated in the purchase of the park and all other homeowners residing in park are offered lifetime leases.

Alt.
B

(8) "Conversion of a park." The term "change of use" is synonymous with "conversion" and is defined as any change which results in elimination of any lot, including but not limited to the removal of a lot for lease or rent to a homeowner, non-resident homeowner, and/or tenant with the intent of converting the park to another land use. A conversion of a park will be found to occur when the Planning Commission, in its absolute discretion and upon a finding of good cause, determines that the park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the park owner intends to eliminate or reduce lots available for rent or lease to a homeowner, non-resident homeowner, and/or tenant. Such acts or omissions include, but are not limited to, the withholding of available lots under the control of the park owner and statements made by authorized agents and representatives of the park owner that the park owner is converting the park.

~~However, the following shall not constitute a conversion of a park:~~

- ~~c. During any one-year period subsequent to the adoption of this article, no more than one vacant lot may be converted to other uses, provided all necessary governmental approvals, including an amendment to any conditional use permit or zoning is obtained from the city. However, upon application by a park owner, the Planning Commission may, in its absolute discretion and upon a finding of good cause,~~

~~determine that a conversion of a park is not occurring notwithstanding that more than one vacant lot is converted to other uses.~~

~~a. A change in ownership to a limited equity cooperative, nonprofit corporation or condominium, provided more than fifty percent of the homeowners participated in the purchase of the park and all other homeowners residing in park are offered lifetime leases.~~

- (9) "Director" means the Development Services Director of the City of Costa Mesa.
- (10) "Homeowner" means the owner(s) of a mobilehome who uses the mobilehome as his/her primary place of residence.
- (11) "Mobilehome" means a "mobilehome" as that term is defined in California Civil Code Section 798.3, and "Mobilehome" also includes a "recreational vehicle" as that term is defined in the California Civil Code Section 799.29, excluding motor homes, truck campers, and camping trailers, and which when the recreational vehicle is used as the occupant's primary place of residence as established by nine (9) months' continuous residency at that park.
- (12) "Mobilehome lot" means any area or tract of land, or portion thereof, occupied or held out for occupancy by a mobilehome that is not owned by the park owner.
- (13) "Mobilehome Park Relocation Impact Report," The term "mobilehome relocation impact report" is synonymous with the term "impact report" or "report" and means a report required by California Government Code Sections 65863.7 and 66427.4 and containing the information set forth in Section 13-200.85.
- (14) "Non-resident homeowner" means an owner of a mobilehome who leases or rents his or her mobilehome within a park to a tenant and who is not the park owner.
- (15) "Park" or "mobilehome park" means a "mobilehome park" as that term is defined in California Civil Code Section 798.4, and any other park where two or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes that are not owned by the park owner.
- (16) "Park owner" means the person(s), firm(s), entity(ies) or corporation(s) who holds legal title to the park.
- (17) "Tenant" means a person who occupies a mobilehome, which is rented or leased from the park owner or a non-resident homeowner.

Sec. 13-200.81 APPLICABILITY.

The regulations of this article shall apply to all existing parks, excluding any applications pending on the effective date of this ordinance, located in the City of Costa Mesa at such time the property owner proposes to convert the park to any other land use. This article shall also apply to any future park that may be established in the City.

Sec. 13-200.82 MOBILEHOME PARK RELOCATION IMPACT REPORT REQUIRED.

The Planning Commission shall not take action on any mobilehome park conversion application unless the applicant has filed with such application, an approved impact report.

An approved report shall be filed by the applicant prior to the applicant giving written notice of the conversion of a park or any portion thereof as required by Section 798.56 of the California Civil Code.

If the applicant files a tentative tract or parcel map for a subdivision to be created upon the conversion of a park before written notice under Section 798.56 of the California Civil Code is required, then an approved report shall be filed concurrently with the filing of the map.

Sec. 13-200.83 REQUEST FOR RELOCATION IMPACT REPORT PREPARATION AND NOTICE TO HOMEOWNERS.

The applicant shall submit a written request to the Director for preparation of a report. Within 60 days of receipt of the request, the City will select a consultant to prepare the report and shall notify the applicant in writing of the estimated cost of the report preparation. At such time, the applicant shall deposit the estimated contract amount plus 10% to cover administrative costs. The City will then contract with the consultant for the report preparation. Concurrent with the submission of the written request to prepare the report, the applicant shall also submit the name and addresses of all current homeowners within the park, including any non-resident homeowners, and the names and addresses of all current tenants within the park as of the date of the application. Within seven days of approval of the consultant contract, the applicant shall provide written notice to all current homeowners, non-resident homeowners, and tenants regarding the preparation of the report and shall provide the Director with proof of service of such notice.

Sec. 13-200.84 NOTICE TO NEW HOMEOWNERS AND TENANTS.

When a request for preparation of a report has been filed with the Director, the applicant, or his designee shall advise in writing, to each prospective new homeowner, non-resident homeowner, or tenant who proposes to occupy a mobilehome within such park prior to the execution of a rental or lease agreement or commencement of such occupancy whichever occurs first, that such request has been filed.

Sec. 13-200.85 MOBILEHOME PARK RELOCATION IMPACT REPORT CONTENT REQUIREMENTS.

A relocation impact report shall contain, but need not be limited to the following information:

- (1) A description of the proposed new use and all discretionary approvals necessary for such use, if any.
- (2) A timetable for conversion, closure or cessation of use of the land as a park.
- (3) A legal description of the park property.
- (4) The number of lots in the park, length of occupancy by the current occupant of each lot, and current lease or rental rate for each lot.
- (5) The age and date of manufacture of each mobilehome within the park, including the type of mobilehome, width, size, and number identifying the lot being occupied.
- (6) The total number of homeowners, non-resident homeowner, and tenants, broken down by lot number and identified as: owner or renter occupancy, ownership of the mobilehome, principal- or second-home occupancy, residents under sixteen (16) years of age, residents sixty-two (62) years of age or over, and the number of residents who are handicapped and/or disabled, including the chronically ill.

**Alt.
C**

(6) "The total number of homeowners, non-resident homeowner, and tenants, ~~broken down by lot number and~~ identified as: owner or renter occupancy, ownership of the mobilehome, principal- or second-home occupancy, residents under sixteen (16) years of age, residents sixty-two (62) years of age or over, and the number of residents who have needs that require special consideration in relocation, included but not limited to being are handicapped, disabled, and/or including the chronically ill, etc.

- (7) The name and mailing address of each homeowner (including each non-resident homeowner) and tenant within the park.
- (8) A list of known available lots in a comparable park within a thirty (30)-mile radius, including any written commitments from park owners willing to

accept displaced mobilehomes, a description of each park, including the number of lots, number of vacancies, lease rates and terms, policies and restrictions on the type of mobilehomes and residents accepted, amenities offered and proximity to services (bus stops, grocery stores, hospitals, etc.).

If lots in a comparable park are not available within a thirty (30)-mile radius the relocation impact report shall also include:

- a. Information on the location and rental rates of available lots in a comparable park within a fifty (50)-mile radius from the park;
- b. Information on the rental rates and moving costs involved in moving to a condominium, apartment or other rental unit within a thirty (30)-mile radius.

Alt. D	<p>(8) "A list of known available lots in a comparable park within a thirty (30)-mile radius, including any written commitments from park owners willing to accept displaced mobilehomes, a description of each park, including the number of lots, number of vacancies, lease rates and terms, policies and restrictions on the type of mobilehomes and residents accepted, amenities offered and proximity to services (bus stops, grocery stores, hospitals, etc.). <u>The list shall identify and take into account the effect of other pending mobilehome park closures within the same thirty-mile radius.</u></p> <p>If lots in a comparable park are not available within a thirty (30)-mile radius the relocation impact report shall also include:</p> <ol style="list-style-type: none"> a. Information on the location and rental rates of available lots in a comparable park within a fifty (50)-mile radius from the park; b. Information on the rental rates and moving costs involved in moving to a condominium, apartment or other rental unit within a thirty (30)-mile radius."
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- (9) A determination of the total number of mobilehomes in the park that are eligible to be relocated to a comparable park within a thirty (30)-mile radius, and a determination of the total number of mobilehomes in the park that are not eligible to be relocated to a comparable park within a thirty (30)-mile radius. If it is determined that a mobilehome cannot be relocated, the report shall indicate the reason for this determination.
- (10) Estimates from at least two (2) moving companies as to the minimum and per mile cost of moving mobilehomes of various sizes. Moving costs shall include tear down and setup of mobilehomes, moving of all personal property, and moving and setup of improvements such as porches, skirting, carports, patios, and other moveable amenities installed by the homeowners. The moving companies used by the applicant shall be approved by the Director prior to inclusion in the report.
- (11) The appraised on-site value and off-site value of each mobilehome that cannot be relocated to a comparable park within a thirty (30)-mile radius. In determining on-site fair market value, the appraiser shall consider:

- a. The age, condition, model, and size (including the number of bedrooms, bathrooms, and other legally constructed rooms) of the mobilehome.
- b. All associated legally installed improvements that cannot be relocated to a comparable park;
- c. The mobilehome in its current location assuming the continuation of the park in a safe, sanitary, and well-maintained condition;
- d. On-site sales of comparable mobilehomes in comparable parks in the City of Costa Mesa or immediately adjoining cities; and
- e. The existing lease or rental agreement.

The appraiser shall specify the basis for the determination of the mobilehome's value. The Director shall select the appraiser, and the applicant shall be solely responsible for payment of all costs and expenses associated with such appraisal.

- (12) A timetable for the physical relocation of the mobilehomes and payment of relocation assistance, if any.
- (13) Proposed measures to mitigate the adverse impacts of the conversion upon the park homeowners.
- (14) Information whether homeowners have been offered the option of a long-term lease of the land and purchase of the improvements if the park is to be sold.
- (15) Any other information that the Director determines necessary to implement the provisions of this article.

Sec. 13-200.86 NOTICE, DISTRIBUTION, AND PUBLIC HEARING ON RELOCATION IMPACT REPORT.

When the Director deems the report complete, the Director shall set a time, date, and place for review of the report by the Planning Commission not later than forty-five (45) days after the date the report is deemed complete. The applicant shall mail a copy of the report to all homeowners and non-resident homeowners of the park and shall give notice by certified mail or personal delivery to the homeowners and non-resident homeowners in the park of the date, time and place of the hearing at least thirty (30) days prior thereto. The report sent to each homeowner and non-resident homeowner shall include the individual appraisal of that homeowner's mobilehome, if it is determined that it cannot be relocated to a comparable park within a thirty (30)-mile radius. The notice shall also contain a general explanation of the matters to be considered by the Planning Commission.

At the public hearings, all interested parties will be allowed to present evidence to the Planning Commission on any aspect of the application. The evidence may

include, but is not limited to, justification for the payment of relocation costs, including the fair market value of any mobilehome, evidence why a mobilehome cannot be relocated to a comparable park, and similar information. The applicant shall provide proof of service of distribution of the report. Such proof shall be filed with the Director at least three (3) days prior to the hearing and shall be signed under penalty of perjury.

Sec. 13-200.87 PLANNING COMMISSION ACTION AND FINDINGS ON RELOCATION IMPACT REPORT.

(a) Action procedures. Upon review of the report and consideration of the written and oral evidence received at the hearing, the Planning Commission shall render its decision on the report within forty-five (45) days of the date first set for hearing. The Planning Commission shall approve the report if it is able to make an affirmative finding that reasonable measures have been provided to mitigate the adverse impact of the conversion on the ability of the park homeowners who will be displaced to find alternative housing. If the Planning Commission does not make this finding and is unable to impose reasonable measures to mitigate the adverse impact, the Planning Commission may reject the relocation impact report. No other permit or approval shall be granted in furtherance of the proposed conversion and no change of use shall occur until and unless a report has been approved.

(b) Relocation mitigation. In approving a report, the Planning Commission may impose reasonable measures to mitigate adverse impacts created by the conversion. The total costs of the mitigation measures required shall be subject to and shall not exceed the limitation established by Government Code Section 65863.7, which provides that the mitigation measures shall not exceed the reasonable costs of relocation. Reasonable costs of relocation shall, at a minimum, include those listed in Table 13-200.87, as appropriate.

<p>Alt D1</p>	<p><u>(c) Homeowner/non-resident homeowner acceptance of relocation lot in a comparable park.</u> <u>If a homeowner's/non-resident homeowner's mobilehome can be relocated pursuant to Table 13-200.87, relocation mitigation number 1, the homeowner/non-resident homeowner shall notify the park owner of the comparable mobilehome park in which a replacement lot is available that he/she has selected for relocation. This notification shall occur no later than 60 days prior to the close of the 6-month termination of tenancy time period specified in Section 13-200.88. If the homeowner/non-resident homeowner rejects the replacement lot(s) provided by the park owner pursuant to Table 13-200.87, relocation mitigation number 1, that rejection will terminate the park owner's obligations to provide a replacement lot for the homeowner/non-resident homeowner. In this instance the park owner's remaining relocation mitigation obligation is limited to:</u></p> <ol style="list-style-type: none"> <u>1. Payment of the cost of physically moving a mobilehome to a new lot within a 30-mile radius; and</u> <u>2. Payment of moving costs associated with moving all personal property within a 30-mile radius.</u>
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**Table 13-200.87
RELOCATION MITIGATION**

Relocation Mitigation¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
<p>1. Provision of a replacement lot in a comparable park within a 30-mile radius, with the following exceptions:</p> <ul style="list-style-type: none"> a. The provision of a replacement lot shall extend to a 50-mile radius, with the consent of the homeowner or non-resident homeowner, if a replacement lot is not available within a 30-mile radius but is available within a 50-mile radius; or b. A replacement lot is available within a 30-mile radius in a <u>comparable park</u>, but the homeowner or non-resident homeowner secures a replacement lot in a park located beyond or <u>within</u> the 30-mile radius; or c. A replacement lot is not available within a 30-mile radius but is available within a 50-mile radius, but the homeowner or non-resident homeowner secures a replacement lot in a park located beyond the 50-mile radius. 	<p>Mobilehome can be relocated²: Yes Mobilehome cannot be relocated²: No</p>	<p>Mobilehome can be relocated²: Yes Mobilehome cannot be relocated²: No</p>

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**Table 13-200.87
RELOCATION MITIGATION**

Relocation Mitigation¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
<p>Alternative E</p> <p>"1. Provision of a replacement lot in a comparable park within a 30-mile radius. <u>If a replacement lot is available in more than one comparable park, the homeowner/non-resident homeowner shall select the comparable park to which his or her mobilehome will be relocated. The following exceptions shall apply:</u></p> <ul style="list-style-type: none"> a. The provision of a replacement lot shall extend to a 50-mile radius, with the consent of the homeowner or non-resident homeowner, if a replacement lot is not available within a 30-mile radius but is available within a 50-mile radius; or b. A replacement lot is available in a comparable park within a 30-mile radius, but the homeowner or non-resident homeowner secures a replacement lot in another park located beyond or within the 30-mile radius; or c. A replacement lot is not available within a 30-mile radius but is available within a 50-mile radius, but the homeowner or non-resident homeowner secures a replacement lot in a park located beyond the 50-mile radius." 	<p>Mobilehome can be relocated²: Yes Mobilehome cannot be relocated²: No</p>	<p>Mobilehome can be relocated²: Yes Mobilehome cannot be relocated²: No</p>
<p>2. Payment of the cost of physically moving a mobilehome to a new lot. Moving costs shall include tear down and setup of a mobilehome, and moving and setup of <u>legally installed</u> improvements such as porches, skirting, carports, patios, and other moveable amenities <u>legally installed</u> by the homeowner or non-resident homeowner. In the exceptions described above in #1b and #1c, the homeowner or non-resident homeowner will be responsible for the additional costs incurred to move beyond the applicable distance.</p>	<p>Mobilehome will be relocated: Yes Mobilehome will not be relocated: No</p>	<p>Mobilehome will be relocated: Yes Mobilehome will not be relocated: No</p>

Table 13-200.87

RELOCATION MITIGATION

Relocation Mitigation ¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
Alternative F: 2. Payment of the cost of physically moving a mobilehome to a new lot. Moving costs shall include tear down and setup of a mobilehome, the utility service connection fees, including telephone and cable television, and moving and setup of legally installed improvements such as porches, skirting, carports, patios, and other moveable improvements legally installed by the homeowner or non-resident homeowner. For those improvements legally installed by the homeowner or non-resident homeowner that cannot be moved, the park owner shall also be responsible for the cost of reconstructing these improvements if permitted at the new lot. <u>If those improvements are not permitted at the new lot, the park owner shall pay the homeowner/non-resident homeowner fair compensation for those improvements.</u> In the exceptions described above in #1b and #1c, the homeowner or non-resident homeowner will be responsible for the additional costs incurred to move beyond the applicable distance."	Mobilehome will be relocated: Yes Mobilehome will not be relocated: No	Mobilehome will be relocated: Yes Mobilehome will not be relocated: No
3. Payment of moving costs associated with moving all personal property. In the exceptions described above in #1b and #1c, the homeowner will be responsible for the additional costs incurred to move beyond the applicable distance.	Mobilehome will be relocated: Yes Mobilehome will not be relocated: Yes	Mobilehome will be relocated: No Mobilehome will not be relocated: No
4. Payment of reasonable living expenses from the date of actual displacement until the date of occupancy at the new comparable mobilehome park or alternative rental unit.	Mobilehome will be relocated: Yes Mobilehome will not be relocated: Yes	Mobilehome will be relocated: No Mobilehome will not be relocated: No
5. Payment of a lump sum based upon consideration of the fair market value of the mobilehome on site.	Mobilehome will be relocated: No Mobilehome will not be relocated: Yes	Mobilehome will be relocated: No Mobilehome will not be relocated: Yes

**Table 13-200.87
RELOCATION MITIGATION**

Relocation Mitigation ¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
<p>Alt. G</p> <p>5. Payment of a lump sum based upon consideration of the fair market value of the mobilehome on-site. <u>The Planning Commission shall consider both the on-site and off-site value in determining the appropriate payment. Additionally, this lump sum payment shall be:</u></p> <p>a. <u>No less than the costs identified in Mitigation #2 if the mobilehome could have been relocated to a comparable park within a 30-mile radius, plus the rent differential during the first year of tenancy between the closing park and a comparable mobilehome park within the 30-mile radius; and</u></p> <p>b. <u>No more than the on-site, fair market value.</u></p> <p><u>Upon receipt of this payment, the homeowner or non-resident homeowner shall relinquish the title of the mobilehome to the park owner.</u></p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: Yes</p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: Yes</p>
<p>6. Provision of a Relocation Specialist's services to find alternative rental housing for displaced homeowners within a 30-mile radius. The applicant, subject to the City's approval, shall hire the specialist. The applicant shall be responsible for all costs and expenses associated with the specialist.</p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: Yes</p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: No</p>

**Table 13-200.87
RELOCATION MITIGATION**

Relocation Mitigation ¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
<p>7. Payment of a lump sum to compensate for any rent differential during the first year of tenancy. The total payment shall not exceed the lesser of the following:</p> <ul style="list-style-type: none"> a. The rent differential between the rental rates at the closing park and the new comparable mobilehome park or alternative rental unit. b. The rent differential between the rental rates at the closing park and the Fair Market Rents for Section 8 Housing Assistance Payments Program for the Orange County area as established by the U.S. Department of Housing and Urban Development. In addition, the payment shall be based on the number of bedrooms in the mobilehome that cannot be relocated. Specifically, a one (1) bedroom mobilehome shall be compensated based on a one (1) bedroom unit fair market rent, a two (2) bedroom mobilehome based on a two (2) bedroom unit fair market rent, etc. 	<p>Mobilehome will be relocated: Yes Mobilehome will not be relocated: Yes</p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: No</p>
<p>Alt. H</p> <p>7. Payment of a lump sum to compensate for any rent differential between the rental rates at the closing park and the new comparable mobilehome park during the first year of tenancy. The total payment shall not exceed the lesser of the following:</p> <ul style="list-style-type: none"> a. The rent differential between the rental rates at the closing park and the new mobilehome park or alternative rental unit. b. The rent differential between the rental rates at the closing park and the Fair Market Rents for Section 8 Housing Assistance Payments Program for the Orange County area as established by the U.S. Department of Housing and Urban Development. In addition, the payment shall be based on the number of bedrooms in the mobilehome that cannot be relocated. Specifically, a one (1) bedroom mobilehome shall be compensated based on a one (1) bedroom unit fair market rent, a two (2) bedroom mobilehome based on a two (2) bedroom unit fair market rent, etc. 	<p>Mobilehome will be relocated: Yes Mobilehome will not be relocated: <u>Yes</u> <u>No</u></p>	<p>Mobilehome will be relocated: No Mobilehome will not be relocated: No</p>

Table 13-200.87

RELOCATION MITIGATION

Relocation Mitigation ¹	Is Homeowner Eligible for Mitigation?	Is Non-resident Homeowner Eligible for Mitigation?
8. No-interest one-year loan for payment of security deposit at the new mobilehome park or alternative rental unit. <u>The loan amount shall be reduced by the amount of any security deposit that the park owner refunds to the homeowner/non-resident homeowner at the time he/she moves from the closing park.</u>	Mobilehome will be relocated: Yes Mobilehome will not be relocated: Yes	Mobilehome will be relocated: No Mobilehome will not be relocated: No
<p>1. The park owner is responsible for the relocation mitigation, unless otherwise noted.</p> <p>2. As determined in the Relocation Impact Report.</p>		

Sec. 13-200.88 NOTICE OF TERMINATION OF TENANCY.

Pursuant to Civil Code Section 798.56(g)(1), the applicant shall not provide the park homeowners and non-resident homeowners a written notice specifying a minimum 6-month termination of tenancy until approval of the park conversion application is final.

Sec. 13-200.89 POSTING OF SIGNS.

- (a) The applicant shall not post any sign on or adjacent to a park that states the park is closing, may be closing, or has been closed, or any sign concerning a proposed new use of the park, until such time the Planning Commission has approved the report and the decision becomes final.
- (b) This section does not apply to any signs that may be posted by the City to provide notice of public hearings.

Sec. 13-200.90 SUBSEQUENT MODIFICATION OF MITIGATION MEASURES.

- (a) After the relocation impact report has been approved, an applicant, affected homeowner, and/or affected non-resident homeowner may file a written application requesting a modification of the mitigation measures imposed. Modification may be granted on the grounds that there has been a change in circumstances or new information, which has just become available or which could not reasonably have been known or considered at the time of the hearings on the report. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation lots. Modification shall not be granted when it would unreasonably prejudice the ability of the homeowners to relocate to a comparable park.
- (b) Any application for modification shall be subject to the notice and hearing procedures set forth in Section 13-200.86 of this article. The decision and any appeal in connection with a modification request shall be subject to the same regulations as the initial approval.

Sec. 13-200.91 PERFORMANCE OF MITIGATION MEASURES.

All mitigation measures imposed as part of the relocation impact report's approval shall be fully performed as to each homeowner and non-resident homeowner prior to that homeowner's or non-resident homeowner's required vacation of the park, unless otherwise provided in the mitigation measures. No homeowner or non-resident homeowner shall be required to vacate a lot unless the applicant is in full compliance with all applicable mitigation measures, and has otherwise fulfilled the notice requirements of the California Mobilehome Residency Law relating to "Termination of Tenancy".

Sec. 13-200.92 EXPIRATION, EXTENSION AND REVOCATION OF AN APPROVED RELOCATION IMPACT REPORT.

- (a) **Expiration.** An approved report shall become automatically null and void if the application for conversion of the park has not been approved within twelve (12) months of the effective date of approval of the report unless extended as provided in subsection (b).
- (b) **Extension.** The Director or the applicant may, on or before the date of expiration of the approved report, file a request for an extension of the approved report. The Planning Commission must find that the expiration of the approved report would constitute a hardship on the applicant and that the extension of the approved report would not be detrimental or have any further adverse impact on the park homeowners and non-resident homeowners. An application for an extension shall be subject to the hearing and notice procedures set forth in Section 13-200.86. In approving an extension, the Planning Commission may impose additional mitigation measures, including but not limited to revised relocation costs deemed necessary to mitigate any adverse impacts resulting from the extension. Multiple extensions may be granted, but no one (1) extension shall be issued for more than twelve (12) months.
- (c) **Revocation.** The Planning Commission may initiate proceedings to revoke an approved report. The Planning Commission shall conduct a hearing with notice given in the same manner set forth in Section 13-200.86, except that notice to the applicant shall be by certified mail. After the hearing, the Planning Commission may revoke the approved report if any of the following findings are made:
 - (1) Approval was obtained by fraud, deceit, or misrepresentation.
 - (2) The applicant is not or has not been in compliance with the mitigation measures contained in the relocation impact report or with the provisions of this article.

Unless appealed, the Planning Commission's decision on any extension or revocation shall be final. Upon revocation, the applicant shall not be entitled to convert or change the use of the park until such time as a new report is filed with the city and approved by the Planning Commission.

Sec. 13-200.93 TIME LIMITS.

Unless otherwise provided, the time limits set forth in this article may be extended with the applicant's consent and waiver of the applicable time limits in writing or orally on the record during a public hearing.

Section 7. Severability.

If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 8. Inconsistencies.

Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

Section 9. Publication.

This Ordinance shall take effect and be in full force and effect thirty (30) days from and after its passage and, before the expiration of fifteen (15) days after its passage, shall be published once in the NEWPORT BEACH-COSTA MESA PILOT, a newspaper of general circulation printed and published in the City of Costa Mesa, or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names of the members of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2004

Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the
City of Costa Mesa

Acting City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 04-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2004, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2004, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2004.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa